

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV31

CSX TRANSPORTATION, INC.,)

Plaintiff,)

vs.)

McDOWELL RECYCLING, INC.,)

Defendant.)

ORDER

THIS MATTER is before the Court on Plaintiff's response to the Court's Show Cause Order.

Plaintiff has supplied an affidavit from counsel stating service of the summons and complaint was made on the Defendant on March 2, 2006.

Counsel also avers that Defendant has not retained counsel and that

"Plaintiff's counsel granted Defendant an informal extension of time to Answer the Complaint [and the] extension is still in effect." **Affidavit, ¶ 5.**

Counsel also advises that the parties are conducting settlement negotiations. ***Id.*, ¶ 6.**

Agreements between the parties without knowledge or approval of the Court interfere with the efficient administration of justice and inhibit the Court's management of its docket. Counsel is warned not to engage in such conduct in the future. The parties have had some six months to discuss settlement; it is now time for the action to proceed without further delay.

IT IS, THEREFORE, ORDERED that the Defendant file answer or other responsive pleading on or before **SEPTEMBER 25, 2006**.

Signed: September 7, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

